

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY OCTOBER 1, 2009
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, CONFERENCE CENTER, ROOM A
INDIANAPOLIS, IN 46204**

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

Matthew Drury, Chairman
Theodore Mau, Vice Chairman
Paul St. Pierre
James Todd
John Gerlach
Samuel Frain
David McComb
Roland Cutter
Anne M. Patterson
Corey Ealy, State Board of Health

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Christina Wiseley, Assistant Board Director
Kevin McDowell, Deputy Attorney General
Jeanne Tucker, Compliance Officer
Larry Harvey, Compliance Officer
Tasha Smith, Director of Vital Records, State Board of Health

**MINUTES TRANSCRIBED AND
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE NO. 09-64
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by M. Drury, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**MINUTE NO. 09-65
ADOPTION OF THE OCTOBER 1, 2009 AGENDA AS AMENDED**

S. Frain moved to adopt the October 1, 2009 agenda as amended. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 09-66
ADOPTION OF THE MINUTES OF AUGUST 6, 2009 MEETING**

J. Gerlach moved to adopt the minutes of the August 6, 2009 meeting. J. Todd seconded the motion. Motion carried.

**MINUTE NO. 09-67
ADMINISTRATIVE HEARING IN THE MATTER OF EDGAR FAULKNER, JR., FD01000637, SBFCS
08-01**

M. Drury moved to reinstate the license of Edgar Faulkner, Jr., FD01000637, SBFCS 08-01 upon payment of the renewal fee and restoration fee and passing the state examination. A. Patterson seconded the motion. Motion carried.

MINUTE NO. 09-68**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IN THE MATTER OF SAM HALL, FD01001942, SBFCS 07-11 AND MACER HALL FUNERAL HOME, FH10100010, SBFCS 07-12**

P. St. Pierre moved to accept the Proposed Findings of Fact, Conclusions of Law and Order in the matter of Sam Hall, FD01001942, SBFCS 07-11. M. Drury seconded the motion. Motion carried.

A. Patterson moved to accept the Proposed Findings of Fact, Conclusions of Law and Order in the matter of and Macer Hall Funeral Home, FH10100010, SBFCS 07-12. R. Cutter seconded the motion. Motion carried.

MINUTE NO. 09-69**APPLICATION FOR FUNERAL HOME LICENSE AND CERTIFICATE OF AUTHORITY**

J. Todd moved to deny the application for funeral home license and certificate of authority in the matter of Masons Memorial Chapel, 911 State Street, New Albany, IN 47150 pursuant to IC 25-15-4-1(1)(D), IC 25-15-8-2(3) & (4) and 832 IAC 5-1-1.1(b) due to the fact that the funeral home no longer has a managing funeral director and the owner refuses to communicate with the compliance division for inspection. P. St. Pierre seconded the motion. Motion carried.

MINUTE NO. 09-70**VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

A. Patterson moved to approve the verified complaint requesting restitution from the preneed consumer protection fund in the amount of \$600 plus interest in the matter of Charles Chapman regarding Marvin L. Boatright, FD01019032, Revoked and Marvin L. Boatright Funeral Service, FH10500002, Closed. J. Gerlach seconded the motion. Motion carried.

MINUTE NO. 06-71**CORRESPONDENCE**

Ed Mullaney, FD01007176, is no longer employed with Hartzler-Gutermuth-Inman Funeral Home, FB40600022.

Hickey Funeral Homes, FH83007699 and FH88700010 have been terminated. The Cleveland Road location has a pending funeral home application on file as Palmer Funeral Home – Hickey Chapel

It was the decision of the board to request the compliance division to audit the preneed files for Hickey Funeral Homes, FH83007699 and FH88700010 and to request a copy of the notification of the closures to the purchasers pursuant to IC 30-2-13-15.

MINUTE NO. 09-72**REVIEW OF APPLICATIONS**

M. Drury moved to deny the request for restoration in the matter of John A. Holbert due to the fact that is has been expired since 1982.

J. Gerlach moved to deny the application for Application for Cemetery Registration in the matter of Jones Cemetery Association, Inc. due to the fact that they do not indicate a physical address of the cemetery. T. Mau seconded the motion. Motion carried.

MINUTE NO. 09-73**REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

P. St. Pierre moved to approve the continuing education sponsors and courses as follows. M. Drury seconded the motion. Motion carried.

APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Academy of Professional Funeral Service Practice, P.O. Box 2275, Westerville, OH 43086-2275

- Technology in Funeral Service and the Evolution of the Obituary: How to Leverage Both to Provide Value-Added Service & Generate Revenue, October 27, 2009, 1 ceu
- Bugs in Your Preproom, online, ongoing, 1 ceu
- Marketing Embalming, online, ongoing, 1 ceu

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Hancock Co. Community Foundation, 312 East Main Street, Greenfield, IN 46140

- Income Tax and Estate Planning, September 23, 2009, 3.2 ceu

Indiana Funeral Service Sales Club, 1305 W. 96th Street, Indianapolis, IN 46260

- Dress for Success, November 5, 2009, 1 ceu
- How to Organize and Present an Effective Group Presentation, November 5, 2009, 1 ceu
- Creating Staff Synergy, November 5, 2009, 1 ceu
- The American Funeral Coach, November 5, 2009, 1 ceu
- Q.P.R. Gatekeeper Suicide Prevention Training, November 5, 2009, 2 ceu

International Cemetery, Cremation, and Funeral Association, 107 Carpenter Dr., Suite 100, Sterling, VA 20164

- ICCFA Wide World of Sales Conference, January 13-15, 2010, 9.5 ceu

International Order of the Golden Rule, 13523 Lakefront Drive, Earth City, MO 63045

- More than a Funeral Home, November 9-10, 2009, 8 ceu

Mid-America College of Funeral Service, 3111 Hamburg Pike, Jeffersonville, IN 47130

- Four Generations in the Funeral Home, November 20, 2009, 2 ceu
- Leading the Next Generation, November 20, 2009, 1 ceu
- Growing Your Aftercare Program, November 20, 2009, 2 ceu
- The American Funeral Coach, November 20, 2009, 1 ceu
- Learn – Lead – Grow Conference, November 20, 2009, 6 ceu

Minnick Services, 222 N. Thomas Road, Fort Wayne, IN 46808

- Operations and Merchandising Techniques in Today's Economy, October 6-7, 2009, 8 ceu

**MINUTE NO. 09-74
RULES COMMITTEE**

The committee will meet on a non-board meeting day at the Indiana Funeral Directors Association to enlist their assistance. The committee volunteered their time without compensation.

**MINUTE NO. 09-75
NEW BUSINESS**

P. St. Pierre reported that the Funeral Director's Association has expressed their pleasure in how the current board has handled disciplinary matters. The board expressed their gratitude to the IPLA Compliance Division.

The board requested the Attorney General's Office to investigate the matter of the sale of the Meyer family property to Nelms not notifying the purchasers that the cemetery has been sold and they may transfer their preneed funds.

**MINUTE NO. 09-76
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 11:50 a.m.

**MINUTE NO. 09-77
MEETING CALLED BACK TO ORDER**

The meeting was called back to order at 11:53 a.m.

**MINUTE NO. 09-78
NOTIFICATION**

Lynn Grey, Johnson co. Court, should be notified that she should notify their preneed contract holders that they may transfer their contracts to another cemetery if they so choose in the matter of Forest Lawn. A copy of the letter should be sent to Honorable Mark Loyd, One courthouse square, Franklin 46131.

The seller's notification statute is unclear in regard to what is considered an asset sale and when does notification to the purchasers go out.

After further investigation, it was determined that the board was notified that the sale was a result of a stock purchase which does not require a new application for license/registration or notification pursuant to IC 30-2-13-15.

**MINUTE NO. 09-79
DISCUSSION REGARDING CONSUMER COMPLAINT PROCESS**

The board discussed the consumer complaint process. P. St. Pierre and T. Mau reported on their meeting with Gabrielle Owens and David Miller from the Attorney General's Office. They feel that complaints are being handled in a timely manner.

**MINUTE NO. 09-80
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 12:13 p.m.

Dated: _____

Matthew Drury,
Chairman

Attest: _____
Tracy Hicks, Board Director